

DCFS Weekly Update From the State Office

Friday, March 2, 2001

From My Perspective

By Ken Patterson

“Protecting Children, Strengthening Families.” You and I know there is a true balance in this short statement. Yet, in this phrase is the key to our practice and our professional responsibility. I don't know of a single employee in our organization who acts only on one aspect of this statement and ignores the other. But if you read the Salt Lake newspapers last week you would have gathered that we are way tipped over to the protect side. I refer to the **Desert News**, **“JEDI wants release of hostages” (2/24/01)** and the **Salt Lake Tribune**, **“Group Targets DCFS Child Removal” (3/1/01)**. These articles focused on the public rallies of two groups with dramatically different origins. The groups allege that DCFS is indiscriminate in whom we take into custody and how we manage reunification of children we do take into custody. Here are the facts:

- Only 13% of CPS substantiations resulted in a removal last year (DCFS Annual Outcomes Report).
- We rank 45th in the U.S. for per capita children in out-of-home placement (CWLA).
- Seventy-one percent of children removed were returned to parents or relatives (DCFS Annual Outcomes Report).
- Fourteen percent of children who came into DCFS custody were adopted; the same as the national median (U.S. Department of Human Services, Children's Bureau).

We are not heavily dependent on out-of-home care as a solution to child maltreatment, nor are we more heavily reliant on termination of parental rights and adoption as a permanency solution than is the practice nationally. When combined with CPS data the picture emerges that we are balanced. And, the decline in the number of OCPO referrals (down 36% in the past three years) suggests that you are negotiating shared agreements in what could have been adversarial situations. But alas, “balance” and “contentment” do not make for an eye-grabbing headline for print media. I must give credit to the Desert News; they did accurately report the outcome data in the text of their article.

There are other troubling points in these articles. First, DCFS is singled out as the agency that controls the decision-making regarding removal and permanency. We wish it were that easy. These groups and the articles about them nearly always fail to mention that law enforcement agencies, the Office of the Attorney General, the Guardians ad Litem, the parent counsel, and the Juvenile Court judges all play key roles, often larger than DCFS, at various stages of a case. At best you solely influence the first 72 hours. There are clear protections and reviews for families in statute and practice. Once a child is in our custody we have citizen review boards that verify the necessity of the children staying in our care.

Also, both articles suggest that violence may result if practices remain unchanged. There is a sad and unsettling irony in these veiled threats. The child welfare system has a statutory responsibility to protect children, through removal if necessary. Then when we use that statutory responsibility (and remember we use it sparingly) as a part

of that system we ourselves are threatened with violence. I condemn these threats. I will seek meetings with the leaders of these groups in an effort to listen, educate, and resolve concerns. And, I will ask that they turn down the volume of their passion.

It is interesting that these groups spring from opposite ends of the political continuum. The JEDI Women apparently began as a welfare rights organization, focusing on poverty issues with mothers of dependent children. Utah Families seems to have roots in conservative groups who have generally advocated for a limited role of government.

In making these observations I don't mean to suggest that we cannot improve as an agency. That is why we are heavily focusing on the Practice Model training, Qualitative Case Reviews, and family conferences. When we have our post-Legislative video conference on Wednesday, March 21, you will also hear about new legislation that gives us what are arguably more "family friendly" alternatives. I think of these new laws as the fine-tuning of our approach.

In closing, I am proud to be affiliated with your work. The child and family status scores from the Qualitative Case Reviews and the outcome data say tons. It is very difficult work in an environment that clearly brings out people's passions. I commend you for the maturity you each must display in performing this work.

Update on House Bill 83

On Tuesday, February 20, the sponsor of the negative amendments to House Bill 83 agreed to have the issue of immunity for practitioners in the child welfare system studied by the Child Welfare Oversight Panel. This moves the issue from proposed statute to a study and puts the matter in front of a group of legislators that is more familiar with the child welfare system and its responsibilities. I was saddened that the negative amendments crept into the bill, relieved that they were taken out, and look forward to presenting our position on this issue to the Panel over the summer.

Consider it Framework

By Richard Anderson

According to Webster, a framework provides "a basic structure, arrangement, or system." It is important to remember that it was concluded that one of the vulnerabilities of our system of the not-too-distant past was that it lacked a "framework" for practice. In setting up the framework, we are not abandoning all the good work and all the wisdom and knowledge we acquired before setting up the structure. The structure, "The Practice Model," simply houses all of the best practices we have developed over the years and, as we learn and grow, will house many new ones that will enhance our ability to consistently deliver quality services.

Recent discussions with some of those working in DCFS and also with some of our community partners have made me aware of an assumption many people have that seems to get in the way of understanding and supporting our move to enhanced practice. The assumption goes something like this. "Since you are putting in a 'new' practice model, then you will not be doing anything you used to do." An example of

this assumption in a particular area of our service is: “Since the division is training on 'Functional Assessments', we will no longer be gathering the information we used to gather in a CPS investigation.”

No one has ever suggested that we are to stop gathering the critical information that comes from an investigation of child abuse or child neglect. Investigation information is an essential part of the larger context of the ongoing Functional Assessment. We have not changed the statutes, policies, or expectations for gathering this crucial information. Indeed, we want to strengthen our capacity for gathering as much pertinent information about the child and the family as is needed to provide safety, permanence, and well-being. In this particular situation, we have to remember that research is still ongoing as far as the success of any particular risk assessment tool is concerned. This tells us that we have a need for continued exploration into better ways of gaining knowledge about the child and family, in achieving the goals of safety, permanency, and well-being.

Providing a “framework” for practice allows us to keep what we have learned and to continue adding to that body of knowledge and skills. The Practice Model is the structure for containing, strengthening, and protecting our most effective practices. The fundamental skill sets that are delivered in our current training simply reinforce past good practices and add to our skills. To be honest, I find the greatest concern coming from those with the least amount of knowledge about what we are actually doing, and that, when they have the opportunity to understand what we are about, they are supportive.

Legislative Update

By Linda Wininger

WHEW! WE'RE DONE FOR THIS YEAR! Here is the wrap up for the last days of the session. We actually didn't so too bad! Remember we will be having a teleconference about the session and the effect the new laws will have on our practice. We would like to have questions from you prior to the conference so that we can do a better job of the whole thing. So if you have questions about the process, how things happened, specific bills (whether or not they are the ones that we have been tracking for you), or what bills mean send me an email and we will be sure that your question is answered. Here is the final on each of the bills and a preliminary summary of how they will affect DCFS.

1SHB 12, Provision for Legal Relinquishment of a Newborn–Enrolling. This will not really affect our practice.

HB 31, Child Welfare Oversight Panel Amendments–Signed by the Governor on February 21, 2001. This will not really affect our practice.

HB 33, Clarification of Time Limits for Reunification Services–Signed by the Governor on February 8, 2001. Children under 36 months old will need to have a permanency hearing before they reach the eighth month in out-of-home care.

HB 64, Tuition Waiver for Wards of the State–Enrolling. Won't affect our practice.

5SHB 83, Child Welfare Amendments–Enrolling. This bill will require some small changes. First of all, the question of liability of DCFS workers will be studied by the Child Welfare Legislative Oversight Panel during the interim. They will report to the Legislature in November 2001. This is the best Legislative group to have study this. They understand your jobs better than any other group of Legislators. There are some other changes as well:

- Sibling at risk–An assessment on the risk to each child in the family will need to be done prior to removal.
- Grounds for removal–Though this has been modified in code (law), it isn't any different than the new CPS policy.
- Substantial danger to the child's physical health and safety includes:
 - A previous adjudication on abuse, neglect, and/or dependency can be used to justify a removal ONLY if the abuser is the same and the circumstances are similar in the subsequent referral.
 - Emotional suffering to a child ONLY if we can show that the parents unreasonable threats or actions caused the damages. You cannot remove a child with an anxiety disorder unless you can prove that it was caused by the parent's actions as stated above.
 - A medical need must be urgent if you are using it as grounds for removal.
 - We cannot remove a child because of a parent's mental illness. There must be some documented abuse or neglect that fits with those listed in Utah Code 78-3a-301.
 - There has been a catch-all phrase in this section on line (m) that has allowed a worker to remove a child if their "welfare is otherwise endangered as documented by the caseworker." This subsection (1)(m) will be repealed on July 1, 2002 unless further authorized by the Legislature. The idea is that we will be counting how many times this is used to see if we really need it.
- Visitation–Visitation has now been defined as a child's right and will happen unless it is not in the best interest of the child. This means that denial of visitation cannot be used as punishment for the parent's noncompliance.
- Any unsubstantiated case where there has not been a subsequent referral on the perpetrator will be dropped from the SAFE database after five years instead of 10.

I think I got everything on that one. It's the big one this year.

HB 117, Amending the Grounds for Taking a Child into Protective Custody–Enrolling. This bill redefines Utah Code 78-3a-301 as exigent circumstances and substantial danger to the child's health and safety. So, if what you are seeing in the home fits into one of the areas listed in that section you may do the removal without a warrant. If it does not, you must get a warrant.

HB 148, Child Welfare–Alternative Dispute Resolution–Enrolling. This bill allows the counsel for the parent to request a Utah Family Conference to resolve issues. This will likely result in more Utah Family Conferences, which is good since that is the way we want our practice to go.

2SHB 170, Prescribing Psychiatric Drugs or Medication–This requires the caseworker, in a case of medical neglect, to notify the parents of their right to a second opinion. It also outlines who is qualified to give a second opinion. The second opinion is at the parents' own expense.

HB 188, Juvenile Courts–Rights of the Parties–This bill failed to pass.

HB 219, Task Force on Family Conflict Resolution–This bill failed to pass.

HB 224, Notice and Reasonable Efforts for Children in Custody on Grounds other than Abuse or Neglect–Waiting for the Governor's signature. This bill will give us five days notice before a child can be placed in DCFS custody by the court for dependency. HOWEVER, when you are given the five days notice you must develop a plan. You will not be able to say that the case needs to be presented to a screening committee. You must have a plan and a placement ready to present to the court.

HB 225, Foster Parent Child Protective Service Investigation Amendments–This bill was not passed. IT IS IDENTICAL TO SB111 WHICH DID PASS.

HB 232, Certified Child Welfare Social Service Worker Amendments–Enrolling. This bill will not change anything in practice. Its passage has accomplished two things. One, it allows for a separate classification for Child Welfare workers; and two, it provides for a study of surrounding states to compare their salary and benefits. Any worker eligible for a SSW license who is working for DCFS will be included in this new category. The study will then be reported to the Legislature with recommendations. We will probably see follow-up legislation next year.

HB 239, Support for Child in State Custody–Enrolling. No change in practice.

HB 253, Juvenile Expungement–This bill did not pass.

HB 257, Mandatory Child Protective Service Requirements–Enrolling. This bill will allow for a CPS worker to eliminate the unannounced home visit if the alleged perpetrator is out of the home and does not have access to the child. It also allows workers to use interviews conducted by Law Enforcement if they conform to DCFS requirements and are recorded. Any other changes in the bill are already in policy and practice.

HB 269, Amendments to Concurrent Jurisdiction in Adoption Cases–Enrolling. This bill changes the court of jurisdiction on Adoption cases on children in DCFS custody to the Juvenile Court.

HB 309, Educational Neglect and Truancy Amendments–This bill did not pass.

1SHB 387, Narrowing the Grounds for Removal of a Child from the Home–This bill failed.

SB 33, Mental Health Services for Foster and Adopted Children Task Force–This bill failed.

1SSB 64, Adoption Law Amendments–Enrolling. No change to practice that we can tell.

1SSB 71, Tax Credits for Special Needs Adoptions–Enrolling. Adoption workers will need to let adoptive parents know of this tax credit. This bill also carved minority children out of the category of special needs unless they fit another criteria.

SB 117, Guardian ad Litem Amendments–Enrolling. No change to our practice.

SB 119, Child Welfare Records Amendments–Enrolling. This bill will only affect those workers who process GRAMA requests.

SB 153, Kinship Placement for Foster Children–Enrolling. There were some changes made to the initial bill in order to get this bill through the process. What we were able to retain is:

- Children may be immediately placed with qualified relatives in lieu of shelter care and a shelter hearing will be held if the parent or guardian agree not to remove the child from the kinship home or have any contact with the child before the shelter hearing. They must also meet the criteria for emergency kinship placement under Utah Code 62A-4a-209 section 2 which include:
 - Positive reference to determine if that person would place their own child in the potential kinship home in an emergency and if there are other relatives that should be considered.
 - Kin signature on a kinship agreement.
 - Conduct a BCI on all adults living in the kinship placement.
 - Complete a home inspection.
 - Have the placement approved by a family service specialist.
- The kin must also agree to:
 - Take the child to appointments scheduled by DCFS.
 - Allow access to the child by DCFS and the GAL.
 - Contact law enforcement if contact is attempted by the parent prior to the shelter hearing.
 - Assist the parent with reunification efforts if indicated.
- Prior to the Shelter Hearing and as quickly as possible after the placement DCFS must convene a Family Unity Meeting. The caseworker must also respond to the kinship provider's calls if the parent attempts unauthorized contact within one hour, complete all necessary paperwork, and contact the Attorney General to schedule a shelter hearing.
- Request a shelter hearing when a non-abusing parent and the child enter a Domestic Violence shelter AND the child would have been placed in shelter care if the parent had not gone to a shelter.

We had to remove the provision to schedule a shelter hearing when the abusive parent is required to leave the home.

SB 165, Noncustodial Visitation–Enrolling. This bill only changes the word visitation to “parent time.” So all you have to do is change what you call visitation!

SB 222, Notification by Family Services of Noncustodial Parent of Child's Removal–Enrolling. This bill requires DCFS to notify the non-custodial parent of a child's removal. When a child is removed from a parent, the caseworker will need to ask if there is a non-custodial parent. If there is, the worker will ask the custodial parent for the other parent's name, address, and phone number. They will also contact Office of Recovery Services as quickly as possible after the removal to get any information contained on the Parent Locator List. The worker must then notify the non-custodial parent of the shelter hearing.

The Governor will likely sign all these bills. They become effective April 30, 2001.

I think that's it. I hope these updates helped you feel more informed and a part of the process. Remember, send me your questions and comments for the teleconference coming up in March.

Practice Model Questions and Answers

By Midge Delavan

Answers to last week's questions:

1. *What stays the same and what changes?* This is a complex question because there are many answers and some of them become more evident over time. Thinking about the Practice Model as 'how' the work is done may be helpful.

Engaging with families more effectively may change the nature of the relationship, not the basic mission or the focus on the problem that brought the family to the attention of DCFS. Engaging supports motivation for change, not denial of the need for change. Genuineness requires honesty about the problem. Empathy brings understanding of the difficulty of making changes. Empathy also helps create vision for change. Respect for the family implies knowledge that they would like to be treating their relationships more effectively.

Working in teams changes the focus of the communication. The casework leader and the team members now focus their goals around what the team can do together. The means and style of the communication may change. The problem to be solved is more shared, but the need to solve the problem is still as compelling. The child and family team may bring a synergy and support that the case leader still guides toward the important solutions that the family needs to fulfill the requirements of their service plan.

Assessments based on solution-focused work provide more opportunity for motivating change and help the team move with more confidence to a service plan that addresses the family's underlying needs. Safety, permanence, and well-being of the children are the goals. The case leader should not lose confidence in these goals as she or he learns the "ropes" within the team. The skills may be enhancements to practice, but the goal of practice is the same.

However, some of the objectives under the goal may change. Motivating the family more effectively for change may enhance the reunification goal. Working within the team may bring new objectives to the surface that the case leader may not have seen when working more independently. The assessment information may change how the case leader sees the family's goals. Knowing the family's strengths and

abilities to succeed in the past may provide alternative possibilities in planning the family's goals for change.

Discriminating what should change and what should be kept is an important part of the change process. It's not always so easy to do.

2. *How is solution-focused work done when the job is problem-centered?* Solution-focused work is deep enough that it takes some information and practice to understand. The problem is not ignored; it's just not the focus. After you find out the problem, listen to the problem, and agree on the problem (see the working agreement) you shift the focus. The new focus is on how the family envisions the future, how they have succeeded in the past, and what strengths they can call on to help them accomplish now what needs to be done. It is the shift in focus that provides the motivation for change. No one forgets the problem, they just focus on what's on the other side of the coin. When they can use their strengths, their extended support network, their history of successes, and their vision of the future, then the problem becomes solved. It's a miracle question, not a miracle. You still get a brain freeze when you do it, but it feels pretty satisfying. Using it to help families solve problems is still a discovery process for all of us.

Questions for this week:

1. What is the role of the Functional Assessment in the Qualitative Case Review?
2. How is the Functional Assessment Field Guide useful in working with families?

Extra credit:

What are the short answers to replace the long answers given above? If you have some short answers or better answers, send them to Brooklyn Gray. Please send any questions you would like to share also--with or without answers.

To Make Your Life Easier...Using SAFE Optimally

By Robert Lewis

Amending Out-of-Home Care Case Service Plans

People wonder about how to amend an SCF Service Plan in SAFE. It's a pretty simple and flexible process, if you have the know-how. Here are important things to know:

- Get to the amending process the same way as starting a new service plan. Go to Document Index for that SCF case, find and highlight SCF Service Plan, press RMB (that's right mouse button), and select Document Create. SAFE knows when an amended plan is needed (if today is within five months of the current Service Plan start date). SAFE will display an almost complete copy of the existing plan, in draft. The old plan end date will remain (to keep the end on the six-month cycle), while today's date will be the new start date.
- On the General tab, enter information about parent/guardian participation in amending the plan and their agreement with the amendment. Also, re-enter goal information (Permanency Goal, Projected Return Home Date if needed, and Concurrent Goal).
- Go to the Staffing tab and document how the amended plan was staffed. You can delete persons listed (RMB, select Delete) who were not a part of this discussion.

You can also add staffing persons in two ways. Use the person Name drop-down to select from case persons, or type in the Name and Relation to Primary. Additionally, enter the Staffing Date and how the amending was decided in Staffing Minutes.

Here is a simple scenario. A citizen's review recommends one objective be added. Record this in Staffing by deleting all names but the worker, call the Input "Written Input," enter the date the recommendation was received, and in Staffing Minutes record "Objective added to plan based on Citizen Review Board recommendation."

- Go to the Objectives tab to change objectives as needed. You can:
 - Edit any text.
 - Reenter all text for an objective (start by RMB, select Clear Text).
 - Delete any objective past #7 (RMB, select Delete Objective).
 - Add new objectives (RMB, select Add Objective, then enter the text).
- Save and Print. SAFE will print a complete Service Plan document with the word 'AMENDED' in the title.
- Get new signatures, and then send copies of the amended document to all the parties that got the original Plan.

Creating a Different Service Plan for Each Parent

Occasionally a court will direct that we make up a different Service Plan for each parent. The amending process can be used to do this. Simply write up the plan that fits the one parent and finalize. Then create an amended plan for the other parent, deleting those items that don't apply and adding new items that do.

PLEASE LET US KNOW ABOUT ANY IMPROVEMENTS THAT ARE NEEDED.